

GERARD G. METZGER

A Professional Law Corporation
Elk Place Professional Plaza
144 Elk Place
Suite 1710
New Orleans, Louisiana 70112

Telephone: (504) 525-1586
Fax: (504) 561-8166
metzaplc@bellsouth.net

Of Counsel:
M. Elizabeth Bowman
Christy R. Bergeron
Philip A. Costa

Gerard G. Metzger
Attorney at Law

September 28, 2000

FAA-03-14246-7

DEPT. OF TRANSPORTATION
OFFICE OF LEGAL COUNSEL
03 JAN 17 AM 11:46

**VIA FACSIMILE AND BY MAIL
(225) 342-5991**

Gary L. Keyser, Esq.
Lands & Natural Resources Section
State of Louisiana
Department of Justice
Civil Division
One American Place
301 Main Street, Suite 600
Baton Rouge, LA 70804-9095

**VIA FACSIMILE AND BY MAIL
(225) 137-1333**

Gary C. Ethridge, Esq.
Senior Attorney
Department of Transportation and
Development
Office of General Counsel
P. O. Box 94245
Baton Rouge, LA 70804-9245

Re: Privatization of New Orleans Lakefront Airport

Gentlemen:

Once again I would like to thank both of you for meeting with me and Emile Schneider on Tuesday afternoon at the Office of the Division of Aviation to discuss the issues raised by counsel for the FAA regarding the proposed privatization of the New Orleans Lakefront Airport.

Gary L. Keyser, Esq.
Lands & Natural Resources Section
State of Louisiana
Department of Justice
September 28, 2000
Page 3

As discussed during our meeting, you will find attached a copy of the lease by and between the OLD and the Board of Supervisors of Louisiana State University Agricultural and Mechanical College (UNO). This is the lease for the north side of the former location of "Pontchartrain Beach." This property is within the area of land required to be dedicated for public use under La.Rev.Stat. 38:336 (A) & (B). It is only one of a number of leases by the OLD of land dedicated to public use along the Lakefront in New Orleans on Lake Pontchartrain. None of these leases has been the subject of any litigation concerning their validity. Clearly, the only requirement is that leases of lands dedicated to public use under this statute must provide that the lands are indeed maintained and open for public use by the lessee. The proposed lease of the New Orleans Lakefront Airport will require the lessee (Private Operator) to keep the Airport open for public use, as required by this section of Title 38. Accordingly, we do not believe that this statute precludes a lease of the New Orleans Lakefront Airport, but simply provides for a restriction requiring adherence to the statutory mandate that the Airport be open to the general public.

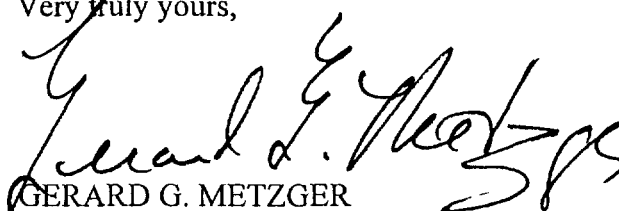
I believe we discussed in adequate detail the issue raised of the applicability vel non of the prohibitions and restrictions contained in the Louisiana Uniform Airport Law and Airport Authorities Law. **La.R.S. 2:131, et seq and La.R.S. 2:601, et seq.** Simply put, it is our opinion that these statutes are not applicable to this very unique airport, and, consequently, do not limit the "plenary" authority of the OLB to lease and dispose of reclaimed land as it deems appropriate under La.Rev.Stat. 38:336(A).

Counsel for the FAA has requested and "informal opinion" on these issues from either the Louisiana Attorney General's Office or the LADOTD, Division of Aviation. Mr. Schneider and I are available to discuss any questions you might have. The OLD's preliminary application to qualify under the Federal Airport Privatization Pilot Program has been accepted, however the processing of the application will require the requested opinion from the State. The responses to the RFP for the Airport are due on October 9th, and thereafter negotiations will commence with the selected bidder. Without approval to participate in the Pilot Program, the OLD will not be able to realize the financial benefits anticipated from the privatization of the Airport. Accordingly, we request that you give your attention to this matter and provide us with your opinion by no later than Monday, October 16th.

Gary L. Keyser, Esq.
Lands & Natural Resources Section
State of Louisiana
Department of Justice
September 28, 2000
Page 3

With best personal regards, I am

Very truly yours,



GERARD G. METZGER

GGM/scd
Enclosure

cc: Mr. Kevin Willis, U.S. Dept. of Transportation, Office of Airport Safety & Standards
Hon. James P. Huey, President, OLB
Hon. Gen. James E. Livingston, Commissioner, OLB
Mr. Max L. Hearn, Executive Director, OLD
Gary G. Benoit, Esq., Senior Legal Counsel, OLD
Emile Schneider, Esq.
Stevan G. Spencer, P.E., OLD
Randolph Taylor, Aviation Director, OLD
J. Terry Ryder, Esq., Special Counsel to the Governor
Mr. Tony Culp, Director, Div. of Aviation, LDT&D
Mr. Jorge A. Gonzalez/IMG
J. E. Murdock, III, Esq.